

**ASSEMBLY BILL**

**No. 2852**

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**Introduced by Assembly Member Laird**  
**(Principal coauthors: Assembly Members Chavez, Daucher,**  
**Hancock, La Malfa, Longville, Maze, Montanez, and Salinas)**

February 20, 2004

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An act to amend Section 23025 of the Government Code, to amend Section 1797.193 of the Health and Safety Code, to amend Sections 1203, 13515, 13518, 13518.1, 13519.7, and 13730 of the Penal Code, to amend Section 21401 of the Vehicle Code, and to amend Section 656.2 of the Welfare and Institutions Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2852, as introduced, Laird. Public safety: state mandates.

(1) The California Constitution requires the state to reimburse local agencies and school districts for state-mandated local programs.

Existing law requires a county that provides any emergency services to supply deaf teletype equipment at a central location within the county to relay requests for emergency services.

Existing law requires every law enforcement agency employing police officers to provide each peace officer an appropriate portable manual mask and airway assembly for use when applying cardiopulmonary resuscitation. Existing law also requires specified law enforcement agencies to meet certain training standards for the administration of first aid and cardiopulmonary resuscitation.

Existing law requires a probation officer to include specified information and recommendations in his or her report to the sentencing

judge before judgment is pronounced for a person who is convicted of a felony and eligible for probation.

Existing law requires that basic training for law enforcement officers include instruction on sexual harassment in the workplace.

Existing law requires that specified supervisory law enforcement officers complete an elder and dependent abuse training course.

Existing law requires law enforcement agencies to complete a written incident report in domestic violence cases.

Existing law requires firefighters to complete a course on sudden infant death syndrome.

Existing state regulations require specified protective clothing and equipment for firefighters.

Existing law requires that any traffic signal controller that is newly installed or upgraded by a local authority shall be of a standard traffic signal communication protocol capable of 2-way communications.

Existing law requires that in a case where a minor is alleged to have committed an act that would have been a felony if committed by an adult, the probation officer is required to inform the victim of the rights of victims to submit a victim impact statement and to take other specified actions in connection with obtaining a victim impact statement.

This bill would make these provisions optional, thereby eliminating state-mandated local programs, but would state that the Legislature, in recognition of the state and local interests served by these programs, encourages the local agencies and officials to continue taking the actions formerly mandated by these provisions.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23025 of the Government Code is  
2 amended to read:

3 23025. (a) A county, whether general law or chartered,  
4 ~~which~~ *that* provides any emergency services, ~~shall~~ *may* provide  
5 deaf teletype equipment at a central location within the county to  
6 relay requests for ~~such~~ emergency services.



1     ***(b) In recognition of the state and local interest served by the***  
2     ***action made optional in subdivision (a), the Legislature***  
3     ***encourages the local agency to continue taking the action formerly***  
4     ***mandated by this section.***

5     SEC. 2. Section 1797.193 of the Health and Safety Code is  
6     amended to read:

7     1797.193. (a) By July 1, 1992, existing firefighters in this  
8     state shall complete a course on the nature of sudden infant death  
9     syndrome taught by experts in the field of sudden infant death  
10    syndrome. ~~At~~ *In addition to these firefighters, all* persons who  
11    become firefighters after January 1, 1990, ~~shall~~ *may* complete a  
12    course on this topic as part of their basic training as firefighters.  
13    The course shall include information on the community resources  
14    available to assist families who have lost children to sudden infant  
15    death syndrome.

16    (b) For purposes of this section, the term “firefighter” has the  
17    same meaning as that specified in Section 1797.182.

18    (c) When the instruction and training are provided by a local  
19    agency, a fee shall be charged sufficient to defray the entire cost  
20    of the instruction and training.

21    (d) *Local agency firefighters are not required to complete the*  
22    *course described in subdivision (a), but the Legislature, in*  
23    *recognition of the state and local interests served by that training,*  
24    *encourages local firefighters to continue completing that course.*

25    SEC. 3. Section 1203 of the Penal Code is amended to read:

26    1203. (a) As used in this code, “probation” means the  
27    suspension of the imposition or execution of a sentence and the  
28    order of conditional and revocable release in the community under  
29    the supervision of a probation officer. As used in this code,  
30    “conditional sentence” means the suspension of the imposition or  
31    execution of a sentence and the order of revocable release in the  
32    community subject to conditions established by the court without  
33    the supervision of a probation officer. It is the intent of the  
34    Legislature that both conditional sentence and probation are  
35    authorized whenever probation is authorized in any code as a  
36    sentencing option for infractions or misdemeanors.

37    (b) (1) Except as provided in subdivision (j), if a person is  
38    convicted of a felony and is eligible for probation, before judgment  
39    is pronounced, the court shall immediately refer the matter to a  
40    probation officer to investigate and report to the court, at a

1 specified time, upon the circumstances surrounding the crime and  
2 the prior history and record of the person, which may be  
3 considered either in aggravation or mitigation of the punishment.

4 (2) (A) The probation officer shall immediately investigate  
5 and make a written report to the court of his or her findings and  
6 recommendations, including his or her recommendations as to the  
7 granting or denying of probation and the conditions of probation,  
8 if granted.

9 (B) Pursuant to Section 828 of the Welfare and Institutions  
10 Code, the probation officer shall include in his or her report any  
11 information gathered by a law enforcement agency relating to the  
12 taking of the defendant into custody as a minor, which shall be  
13 considered for purposes of determining whether adjudications of  
14 commissions of crimes as a juvenile warrant a finding that there  
15 are circumstances in aggravation pursuant to Section 1170 or to  
16 deny probation.

17 (C) The probation officer ~~shall~~ may also include in the report  
18 his or her recommendation of both of the following:

19 (i) The amount the defendant should be required to pay as a  
20 restitution fine pursuant to subdivision (b) of Section 1202.4.

21 (ii) Whether the court shall require, as a condition of probation,  
22 restitution to the victim or to the Restitution Fund and the amount  
23 thereof.

24 *In recognition of the state and local interests served by the*  
25 *actions made optional in this subdivision, the Legislature*  
26 *encourages probation officers to continue taking the actions*  
27 *formerly mandated by this subdivision.*

28 (D) The report shall be made available to the court and the  
29 prosecuting and defense attorneys at least five days, or upon  
30 request of the defendant or prosecuting attorney, nine days prior  
31 to the time fixed by the court for the hearing and determination of  
32 the report, and shall be filed with the clerk of the court as a record  
33 in the case at the time of the hearing. The time within which the  
34 report shall be made available and filed may be waived by written  
35 stipulation of the prosecuting and defense attorneys that is filed  
36 with the court or an oral stipulation in open court that is made and  
37 entered upon the minutes of the court.

38 (3) At a time fixed by the court, the court shall hear and  
39 determine the application, if one has been made, or, in any case,  
40 the suitability of probation in the particular case. At the hearing,

the court shall consider any report of the probation officer and shall make a statement that it has considered the report, which shall be filed with the clerk of the court as a record in the case. If the court determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be served by granting probation to the person, it may place the person on probation. If probation is denied, the clerk of the court shall immediately send a copy of the report to the Department of Corrections at the prison or other institution to which the person is delivered.

(4) The preparation of the report or the consideration of the report by the court may be waived only by a written stipulation of the prosecuting and defense attorneys that is filed with the court or an oral stipulation in open court that is made and entered upon the minutes of the court, except that there shall be no waiver unless the court consents thereto. However, if the defendant is ultimately sentenced and committed to the state prison, a probation report shall be completed pursuant to Section 1203c.

(c) If a defendant is not represented by an attorney, the court shall order the probation officer who makes the probation report to discuss its contents with the defendant.

(d) If a person is convicted of a misdemeanor, the court may either refer the matter to the probation officer for an investigation and a report or summarily pronounce a conditional sentence. If the case is not referred to the probation officer, in sentencing the person, the court may consider any information concerning the person that could have been included in a probation report. The court shall inform the person of the information to be considered and permit him or her to answer or controvert the information. For this purpose, upon the request of the person, the court shall grant a continuance before the judgment is pronounced.

(e) Except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any of the following persons:

(1) Unless the person had a lawful right to carry a deadly weapon, other than a firearm, at the time of the perpetration of the crime or his or her arrest, any person who has been convicted of arson, robbery, carjacking, burglary, burglary with explosives, rape with force or violence, torture, aggravated mayhem, murder, attempt to commit murder, trainwrecking, kidnapping, escape

1 from the state prison, or a conspiracy to commit one or more of  
2 those crimes and who was armed with the weapon at either of those  
3 times.

4 (2) Any person who used, or attempted to use, a deadly weapon  
5 upon a human being in connection with the perpetration of the  
6 crime of which he or she has been convicted.

7 (3) Any person who willfully inflicted great bodily injury or  
8 torture in the perpetration of the crime of which he or she has been  
9 convicted.

10 (4) Any person who has been previously convicted twice in this  
11 state of a felony or in any other place of a public offense ~~which~~  
12 *that*, if committed in this state, would have been punishable as a  
13 felony.

14 (5) Unless the person has never been previously convicted once  
15 in this state of a felony or in any other place of a public offense  
16 ~~which~~ *that*, if committed in this state, would have been punishable  
17 as a felony, any person who has been convicted of burglary with  
18 explosives, rape with force or violence, torture, aggravated  
19 mayhem, murder, attempt to commit murder, trainwrecking,  
20 extortion, kidnapping, escape from the state prison, a violation of  
21 Section 286, 288, 288a, or 288.5, or a conspiracy to commit one  
22 or more of those crimes.

23 (6) Any person who has been previously convicted once in this  
24 state of a felony or in any other place of a public offense ~~which~~  
25 *that*, if committed in this state, would have been punishable as a  
26 felony, if he or she committed any of the following acts:

27 (A) Unless the person had a lawful right to carry a deadly  
28 weapon at the time of the perpetration of the previous crime or his  
29 or her arrest for the previous crime, he or she was armed with a  
30 weapon at either of those times.

31 (B) The person used, or attempted to use, a deadly weapon  
32 upon a human being in connection with the perpetration of the  
33 previous crime.

34 (C) The person willfully inflicted great bodily injury or torture  
35 in the perpetration of the previous crime.

36 (7) Any public official or peace officer of this state or any city,  
37 county, or other political subdivision who, in the discharge of the  
38 duties of his or her public office or employment, accepted or gave  
39 or offered to accept or give any bribe, embezzled public money, or  
40 was guilty of extortion.

1 (8) Any person who knowingly furnishes or gives away  
2 phencyclidine.

3 (9) Any person who intentionally inflicted great bodily injury  
4 in the commission of arson under subdivision (a) of Section 451  
5 or who intentionally set fire to, burned, or caused the burning of,  
6 an inhabited structure or inhabited property in violation of  
7 subdivision (b) of Section 451.

8 (10) Any person who, in the commission of a felony, inflicts  
9 great bodily injury or causes the death of a human being by the  
10 discharge of a firearm from or at an occupied motor vehicle  
11 proceeding on a public street or highway.

12 (11) Any person who possesses a short-barreled rifle or a  
13 short-barreled shotgun under Section 12020, a machine gun under  
14 Section 12220, or a silencer under Section 12520.

15 (12) Any person who is convicted of violating Section 8101 of  
16 the Welfare and Institutions Code.

17 (13) Any person who is described in paragraph (2) or (3) of  
18 subdivision (g) of Section 12072.

19 (f) When probation is granted in a case ~~which~~-that comes  
20 within subdivision (e), the court shall specify on the record and  
21 shall enter on the minutes the circumstances indicating that the  
22 interests of justice would best be served by that disposition.

23 (g) If a person is not eligible for probation, the judge shall refer  
24 the matter to the probation officer for an investigation of the facts  
25 relevant to determination of the amount of a restitution fine  
26 pursuant to subdivision (b) of Section 1202.4 in all cases where the  
27 determination is applicable. The judge, in his or her discretion,  
28 may direct the probation officer to investigate all facts relevant to  
29 the sentencing of the person. Upon that referral, the probation  
30 officer shall immediately investigate the circumstances  
31 surrounding the crime and the prior record and history of the  
32 person and make a written report to the court of his or her findings.  
33 The findings shall include a recommendation of the amount of the  
34 restitution fine as provided in subdivision (b) of Section 1202.4.

35 (h) If a defendant is convicted of a felony and a probation report  
36 is prepared pursuant to subdivision (b) or (g), the probation officer  
37 may obtain and include in the report a statement of the comments  
38 of the victim concerning the offense. The court may direct the  
39 probation officer not to obtain a statement if the victim has in fact  
40 testified at any of the court proceedings concerning the offense.



(i) No probationer shall be released to enter another state unless his or her case has been referred to the Administrator of the Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (Article 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part 4) and the probationer has reimbursed the county that has jurisdiction over his or her probation case the reasonable costs of processing his or her request for interstate compact supervision. The amount and method of reimbursement shall be in accordance with Section 1203.1b.

(j) In any court where a county financial evaluation officer is available, in addition to referring the matter to the probation officer, the court may order the defendant to appear before the county financial evaluation officer for a financial evaluation of the defendant's ability to pay restitution, in which case the county financial evaluation officer shall report his or her findings regarding restitution and other court-related costs to the probation officer on the question of the defendant's ability to pay those costs.

Any order made pursuant to this subdivision may be enforced as a violation of the terms and conditions of probation upon willful failure to pay and at the discretion of the court, may be enforced in the same manner as a judgment in a civil action, if any balance remains unpaid at the end of the defendant's probationary period.

(k) Probation shall not be granted to, nor shall the execution of, or imposition of sentence be suspended for, any person who is convicted of a violent felony, as defined in subdivision (c) of Section 667.5, or a serious felony, as defined in subdivision (c) of Section 1192.7, and who was on probation for a felony offense at the time of the commission of the new felony offense.

SEC. 4. Section 13515 of the Penal Code is amended to read:

13515. (a) Every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties ~~shall~~ may complete an elder and dependent adult abuse training course certified by the Commission on Peace Officer Standards and Training within 18 months of assignment to field duties. Completion of the course may be satisfied by telecourse, video training tape, or other instruction. The training shall, at a minimum, include all of the following subjects:

~~(a)~~

(1) Relevant laws.



~~(b)~~

(2) Recognition of elder and dependent adult abuse.

~~(c)~~

(3) Reporting requirements and procedures.

~~(d)~~

(4) Neglect of elders and dependent adults.

~~(e)~~

(5) Fraud of elders and dependent adults.

~~(f)~~

(6) Physical abuse of elders and dependent adults.

~~(g)~~

(7) Psychological abuse of elders and dependent adults.

~~(h)~~

(8) The role of the local adult protective services and public guardian offices.

*(b) In recognition of the state and local interests served by the actions made optional in subdivision (a), the Legislature encourages the local officers to continue taking the actions formerly mandated by those provisions.*

SEC. 5. Section 13518 of the Penal Code is amended to read:

13518. (a) Every city police officer, sheriff, deputy sheriff, marshal, deputy marshal, peace officer member of the Department of the California Highway Patrol, and police officer of a district authorized by statute to maintain a police department, except those whose duties are primarily clerical or administrative, ~~shall~~ *may* meet the training standards prescribed by the Emergency Medical Services Authority for the administration of first aid and cardiopulmonary resuscitation. This training ~~shall~~ *may* include instruction in the use of a portable manual mask and airway assembly designed to prevent the spread of communicable diseases. In addition, satisfactory completion of periodic refresher training or appropriate testing in cardiopulmonary resuscitation and other first aid as prescribed by the Emergency Medical Services Authority ~~shall~~ *may* also be required.

(b) The course of training leading to the basic certificate issued by the commission ~~shall~~ *may* include adequate instruction in the procedures described in subdivision (a). No reimbursement shall be made to local agencies based on attendance at any such course ~~which~~ *that* does not comply with the requirements of this subdivision.

(c) As used in this section, “primarily clerical or administrative” means the performance of clerical or administrative duties for a minimum of 90 percent of the time worked within a pay period.

(d) *In recognition of the state and local interests served by the actions made optional in this section, the Legislature encourages the local agency officials to continue taking the actions formerly mandated by this section.*

SEC. 6. Section 13518.1 of the Penal Code is amended to read:

13518.1. (a) In order to prevent the spread of communicable disease, every law enforcement agency employing peace officers described in subdivision (a) of Section 13518 ~~shall~~ may provide to each of these peace officers an appropriate portable manual mask and airway assembly for use when applying cardiopulmonary resuscitation.

(b) *In recognition of the state and local interests served by the action made optional in subdivision (a), the Legislature encourages local agencies to continue taking the action formerly mandated by this section.*

SEC. 7. Section 13519.7 of the Penal Code is amended to read:

13519.7. (a) On or before August 1, 1994, the commission shall develop complaint guidelines to be followed by city police departments, county sheriffs’ departments, districts, and state university departments, for peace officers who are victims of sexual harassment in the workplace. In developing the complaint guidelines, the commission shall consult with appropriate groups and individuals having an expertise in the area of sexual harassment.

(b) The course of basic training for law enforcement officers ~~shall~~ may, no later than January 1, 1995, include instruction on sexual harassment in the workplace. The training shall include, but not be limited to, the following:

- (1) The definition of sexual harassment.
- (2) A description of sexual harassment, utilizing examples.
- (3) The illegality of sexual harassment.
- (4) The complaint process, legal remedies, and protection from retaliation available to victims of sexual harassment.

1 In developing this training, the commission shall consult with  
2 appropriate groups and individuals having an interest and  
3 expertise in the area of sexual harassment.

4 (c) All peace officers who have received their basic training  
5 before January 1, 1995, ~~shall~~ may receive supplementary training  
6 on sexual harassment in the workplace by January 1, 1997.

7 (d) *In recognition of the state and local interests served by the*  
8 *actions made optional in subdivisions (b) and (c), the Legislature*  
9 *encourages law enforcement officers and peace officers to*  
10 *continue taking the actions formerly mandated by these*  
11 *provisions.*

12 SEC. 8. Section 13730 of the Penal Code is amended to read:

13 13730. (a) Each law enforcement agency shall develop a  
14 system, by January 1, 1986, for recording all domestic  
15 violence-related calls for assistance made to the department  
16 including whether weapons are involved. All domestic  
17 violence-related calls for assistance ~~shall~~ may be supported with  
18 a written incident report, as described in subdivision (c),  
19 identifying the domestic violence incident. Monthly, the total  
20 number of domestic violence calls received and the numbers of  
21 those cases involving weapons ~~shall~~ may be compiled by each law  
22 enforcement agency and submitted to the Attorney General.

23 (b) The Attorney General shall report annually to the  
24 Governor, the Legislature, and the public the total number of  
25 domestic violence-related calls received by California law  
26 enforcement agencies, the number of cases involving weapons,  
27 and a breakdown of calls received by agency, city, and county.

28 (c) ~~Each law enforcement agency shall develop an incident~~  
29 ~~report form that includes a domestic violence identification code~~  
30 ~~by January 1, 1986. In all incidents of domestic violence, when a~~  
31 ~~report shall be is written and, it shall be identified on the face of~~  
32 ~~the report as a domestic violence incident. The, and the report shall~~  
33 ~~include at least all of the following:~~

34 (1) A notation of whether the officer or officers who responded  
35 to the domestic violence call observed any signs that the alleged  
36 abuser was under the influence of alcohol or a controlled  
37 substance.

38 (2) A notation of whether the officer or officers who responded  
39 to the domestic violence call determined if any law enforcement

1 agency had previously responded to a domestic violence call at the  
2 same address involving the same alleged abuser or victim.

3 (3) A notation of whether the officer or officers who responded  
4 to the domestic violence call found it necessary, for the protection  
5 of the peace officer or other persons present, to inquire of the  
6 victim, the alleged abuser, or both, whether a firearm or other  
7 deadly weapon was present at the location, and, if there is an  
8 inquiry, whether that inquiry disclosed the presence of a firearm  
9 or other deadly weapon. Any firearm or other deadly weapon  
10 discovered by an officer at the scene of a domestic violence  
11 incident shall be subject to confiscation pursuant to Section  
12 12028.5.

13 *(d) In recognition of the state and local interests served by the*  
14 *actions made optional in subdivision (a) and (c), the Legislature*  
15 *encourages local agencies to continue taking the formerly*  
16 *mandated actions.*

17 SEC. 9. Section 21401 of the Vehicle Code is amended to  
18 read:

19 21401. (a) Except as provided in Section 21374, only those  
20 official traffic control devices that conform to the uniform  
21 standards and specifications promulgated by the Department of  
22 Transportation shall be placed upon a street or highway.

23 (b) Any traffic signal controller that is newly installed or  
24 upgraded by the Department of Transportation ~~or a local authority~~  
25 ~~after January 1, 1996,~~ shall be of a standard traffic signal  
26 communication protocol capable of two-way communications, *a*  
27 *local authority may follow this requirement.*

28 *(c) In recognition of the state and local interests served by the*  
29 *action made optional for a local authority in subdivision (b), the*  
30 *Legislature encourages local agencies to continue taking the*  
31 *action formerly mandated by this provision.*

32 SEC. 10. Section 656.2 of the Welfare and Institutions Code  
33 is amended to read:

34 656.2. (a) Notwithstanding any other provision of law, a  
35 victim shall have the right to present a victim impact statement in  
36 all juvenile court hearings concerning petitions filed pursuant to  
37 Section 602 alleging the commission of any criminal offense. In  
38 any case in which a minor is alleged to have committed a criminal  
39 offense, the probation officer ~~shall~~ *may* inform the victim of the  
40 rights of victims to submit a victim impact statement. If the victim

1 exercises the right to submit a victim impact statement to the  
2 probation officer, the probation officer ~~shall~~ *may* include the  
3 statement in his or her social study submitted to the court pursuant  
4 to Section 706 and, if applicable, in his or her report submitted to  
5 the court pursuant to Section 707. The probation officer also ~~shall~~  
6 *may* advise those persons as to the time and place of the disposition  
7 hearing to be conducted pursuant to Sections 702 and 706; any  
8 fitness hearing to be conducted pursuant to Section 707, and any  
9 other judicial proceeding concerning the case.

10 The probation officer shall also provide the victim with  
11 information concerning the victim's right to an action for civil  
12 damages against the minor and his or her parents and the victim's  
13 opportunity to be compensated from the restitution fund. The  
14 information shall be in the form of written material prepared by the  
15 Judicial Council and shall be provided to each victim for whom the  
16 probation officer has a current mailing address.

17 *In recognition of the state and local interests served by the*  
18 *actions made optional in this subdivision, the Legislature*  
19 *encourages the local agencies and officers to continue taking the*  
20 *formerly mandated actions.*

21 (b) Notwithstanding any other provision of law, the persons  
22 from whom the probation officer ~~is required to~~ *may* solicit a  
23 statement pursuant to subdivision (a) shall have the right to attend  
24 the disposition hearing conducted pursuant to Section 702 and to  
25 express their views concerning the offense and disposition of the  
26 case pursuant to Section 706, to attend any fitness hearing  
27 conducted pursuant to Section 707, and to be present during  
28 juvenile proceedings as provided in Section 676.5.

29 (c) Notwithstanding any other provision of law, *except as*  
30 *provided in subdivision (a)*, in any case in which a minor is alleged  
31 to have committed an act subject to a fitness hearing under Section  
32 707, the victim shall have the right to be informed of all court dates  
33 and continuances pertaining to the case, and shall further have the  
34 right to obtain copies of the charging petition, the minutes of the  
35 proceedings, and orders of adjudications and disposition of the  
36 court that are contained in the court file. The arresting agency shall  
37 notify the victim in a timely manner of the address and telephone  
38 number of the juvenile branch of the district attorney's office that  
39 will be responsible for the case and for informing the victim of the  
40 victim's right to attend hearings and obtain documents as provided

1 in this section. The district attorney shall, upon request, inform the  
2 victim of the date of the fitness hearing, the date of the disposition  
3 hearing, and the dates for any continuances of those hearings, and  
4 shall inform the court if the victim seeks to exercise his or her right  
5 to obtain copies of the documents described in this subdivision.

6 Where the proceeding against the minor is based on a felony that  
7 is not listed in Section 676, a victim who obtains information about  
8 the minor under this subdivision shall not disclose or disseminate  
9 this information beyond his or her immediate family or support  
10 persons authorized by Section 676, unless authorized to do so by  
11 a judge of the juvenile court, and the judge may suspend or  
12 terminate the right of the victim to access to information under this  
13 subdivision if the information is improperly disclosed or  
14 disseminated by the victim or any members of his or her immediate  
15 family. The intentional dissemination of documents in violation of  
16 this subdivision is a misdemeanor and shall be punished by a fine  
17 of not more than five hundred dollars (\$500). Documents released  
18 by the court to a victim pursuant to this section shall be stamped  
19 as confidential and with a statement that the unlawful  
20 dissemination of the documents is a misdemeanor punishable by  
21 a fine of not more than five hundred dollars (\$500).

22 (d) Upon application of the district attorney for good cause and  
23 a showing of potential danger to the public, the court may redact  
24 any information contained in any documents released by the court  
25 to a victim pursuant to this section.

26 (e) For purposes of this section, “victim” means the victim, the  
27 parent or guardian of the victim if the victim is a minor, or, if the  
28 victim has died, the victim’s next of kin.

29 SEC. 11. (a) Except as otherwise required by federal law or  
30 regulation, a local agency is not required to comply with Sections  
31 3401 to 3410, inclusive, of Title 8 of the California Code of  
32 Regulations.

33 (b) In recognition of the state and local interests served by the  
34 actions made optional in subdivision (a), the Legislature  
35 encourages local agencies to continue taking the actions formerly  
36 mandated by these provisions.

37 SEC. 12. This act is an urgency statute necessary for the  
38 immediate preservation of the public peace, health, or safety  
39 within the meaning of Article IV of the Constitution and shall go  
40 into immediate effect. The facts constituting the necessity are:

1     In order to make the necessary statutory changes to implement  
2     the Budget Act of 2003 at the earliest possible time, it is necessary  
3     that this act take effect immediately.

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